

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRR-3293 of 2015
Date of Decision: January 14, 2016.

Angrej Singh
.....Petitioner

Versus

State of Punjab.
.....Respondent

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr.Shilesh Gupta, Addl.A.G.,Punjab

Rajan Gupta, J (Oral)

Petitioner had been convicted by Sub Divisional Judicial
Magistrate, Amloh under Sections 279 and 304-A IPC and was sentenced
to undergo imprisonment as under:-

Offence	Sentence
304-A IPC	To undergo R.I for one year and to pay fine of Rs.2000/- and in default thereof to further undergo simple imprisonment for 15 days.
279 IPC	To undergo R.I for three months.

The petitioner preferred appeal before Additional Sessions
Judge, Fatehgarh Sahib against the judgment of his conviction/sentence
and the same was dismissed vide judgment dated 3.8.2015. Feeling
aggrieved against the judgments of both the courts below, petitioner has
approached this court through the instant criminal revision.

Learned counsel for the petitioner at the outset states that he is
limiting his prayer only to the extent of reduction in the sentence awarded
and does not assail the judgment of conviction. He states that he is

conscious that scope in the revision is very limited as evidence of the witnesses cannot be re-appreciated or re-evaluated.

Learned State counsel on the other hand submits that in case conviction of petitioner is maintained, the court may reduce the sentence as deemed appropriate in the circumstances of the case.

I have heard learned counsel for both the sides.

Briefly, the prosecution case runs thus:-

On 26.3.2013, complainant and his father Darshan Singh were coming on motorcycle from Khanna towards their residence at Mandi Gobindgarh and were pursuing the scooter of Jagtar Singh (brother of complainant). When they reached 100 yards ahead from Bhadla chowk to Mandi Gobindgarh then truck trolly driven by petitioner-Angrej Singh in rash and negligent manner and without blowing horn hit the scooter of Jagtar Singh, brother of the complainant. Resultantly, Jagtar Singh fell down on the road and truck trolly ran over the hip of Jagtar Singh. Petitioner fled away from the spot by leaving the truck trolly at the spot. Complainant managed to take his brother Jagtar Singh to Govt. Hospital, Mandi Gobindgarh where doctor declared Jagtar Singh brought him dead. Statement of the complainant was recorded by SI-Darshan Singh. As a result, FIR was registered.

Finding prima facie case under Sections 279/304-A IPC, charge was framed against the accused/petitioner to which he pleaded not guilty and claimed trial.

To substantiate its case against the accused, the prosecution examined as many as five witnesses.

The statement of the accused under Section 313 Cr.P.C was

recorded, wherein all the incriminating evidence available on record was put to him. He refuted the incriminating circumstances and pleaded false implication. The accused, however, did not examine any witness in his defence.

On the basis of evidence on record, learned trial court held the petitioner guilty of the charges under Sections 279/304-A IPC and sentenced him as already indicated above. The appeal filed against the said judgment was also dismissed by Additional Sessions Judge, Fatehgarh Sahib vide orders dated 3.8.2015.

On perusal of the judgments of both the courts below, I am of the considered view that the trial court has rightly appreciated the evidence on record while holding the petitioner guilty of the charge framed against him. The appellate court has also rightly dismissed the appeal. There is no infirmity or illegality in the findings given by both the courts below. The conviction of the petitioner is, thus, affirmed.

Even counsel for the petitioner, during the course of arguments has not assailed the judgment of conviction. He has, however, pleaded for reduction in the quantum of sentence on the ground that the petitioner is a poor person and main bread winner of his family. He has stated that he is conscious that the scope in revision is very limited as evidence of the witnesses cannot be re-appreciated and re-evaluated.

Learned State counsel has placed on record affidavit of Shamsher Singh, Deputy Superintendent, District Jail, Nabha, according to which the petitioner had undergone actual custody of five months and ten days as on 14.1.2016.

Keeping in view the facts and circumstances of the case, it is

directed that the sentence awarded to the petitioner shall be reduced to 8 months. But the petitioner is burdened with a fine of Rs.20,000/- to be paid as compensation to the legal heirs of the deceased. Ordered accordingly.

The amount of fine shall be deposited within three months from the date of receipt of certified copy of this order. However, in case aforesaid fine is not deposited within the stipulated period, the modification in quantum of sentence shall stand withdrawn and the petitioner shall undergo the remaining period of sentence as awarded by the trial court. Except with modification in the quantum of sentence as indicated herein above, the revision petition is dismissed.

(Rajan Gupta)
Judge

January 14, 2016.
BB